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18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21 IN RE: DA VINCI SURGICAL ROBOT
22 ANTITRUST LITIGATION

23 THIS DOCUMENT RELATES TO:
24 ALL ACTIONS

25 **Lead Case No: 3:21-CV-03825-AMO**
26 **PLAINTIFFS' MOTION TO REMOVE**
27 **INCORRECTLY FILED DOCUMENT**

28
Hearing Date: March 6, 2025
Time: 2:00 pm
Courtroom: 10 - 19th Floor
Judge: Hon. Araceli Martínez-Olguín

1 Pursuant to Civil Local Rule 7-11 and the Court's Superseding Omnibus Sealing Order
 2 (Dkt. 246), Plaintiffs Larkin Community Hospital, Franciscan Alliance, Inc. and King County
 3 Public Hospital District No. 1, d/b/a Valley Medical Center (collectively, "Plaintiffs") hereby bring
 4 this motion to remove an incorrectly filed document. Specifically, Plaintiffs seek the removal of
 5 Exhibit 8 to the Declaration of Icee N. Etheridge in Support of the Court's Superseding Omnibus
 6 Sealing Order regarding Plaintiffs' Corrected Motion for Partial Summary Judgment, Reply in
 7 Support of Motion for Partial Summary Judgment, and Opposition to Motion to Exclude
 8 Testimony of Einer Elhauge ("Exhibit 8"). *See* Dkt. 256-8. Plaintiffs previously filed the correct
 9 version of the document at issue with the appropriate redactions in support of their Motion for
 10 Class Certification. *See* Dkt. 267-8. Plaintiffs also concurrently filed the correction on the docket.
 11 *See* Dkt. 305. Plaintiffs have asked that access to the originally filed Exhibit 8 be restricted, and
 12 the ECF Helpdesk temporarily locked the document.

13 In reviewing their filings Plaintiffs discovered that they had inadvertently filed Exhibit 8
 14 without some redactions to certain portions of the document that the Court had approved in its
 15 Superseding Omnibus Sealing Order. *See* Dkt. 246 at 27-28, 44, 49. Plaintiffs now respectfully
 16 request that the originally filed version of Exhibit 8 in support of their Corrected Motion for Partial
 17 Summary Judgment, Reply in Support of Motion for Partial Summary Judgment, and Opposition
 18 to Motion to Exclude Testimony of Einer Elhauge (Dkt. 256-8) be permanently removed from the
 19 public docket.

20 Pursuant to Civil Local Rule 7-12, Plaintiffs sought a stipulation with Intuitive regarding
 21 the removal of Exhibit 8, and Intuitive has stipulated to its removal, as reflected in the Stipulation
 22 and Proposed Order being filed herewith.

23 Dated: November 14, 2024

By: /s/ Jeffrey L. Spector
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